

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

<b>IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</b>	<b>Master File No. 2:12-MD-02327 MDL No. 2327</b>
<b>THIS DOCUMENT RELATES TO: THE WAVE 3 CASES LISTED IN EXHIBIT A</b>	<b>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</b>

**PLAINTIFFS' DAUBERT MOTION TO EXCLUDE OR LIMIT THE OPINIONS AND  
TESTIMONY OF DR. SHELBY THAMES**

COMES NOW Ethicon Wave 1 Plaintiffs listed in Exhibit A, by and through the undersigned attorneys, and file this *Daubert* Motion to Exclude or to Limit the Opinions and Testimony of Dr. Shelby Thames. Additionally, Plaintiffs hereby adopt and incorporate by reference the Daubert motion filed against Dr. Thames for Ethicon Wave 2, Dkt. 2455 (motion), 2458 (memorandum in support).

In support of this motion, Plaintiff has submitted a memorandum of law and also relies upon the following attached exhibits:

1. List of Wave 3 Cases attached as Exhibit A.
2. Dr. Thames Wave 3 Report attached as Exhibit B.
3. Dr. Thames Supplemental Report attached as Exhibit C.
4. Celine Mary, Yves Marois, Martin W. King, Gaetan Laroche, Yvan Douville, Louisette Martin, Robert Guidoin, *Comparison of the In Vivo Behaviour of Polyvinylidene Fluoride and Polypropylene Sutures Used in Vascular Surgery*, ASAIO Journal, 44 (1998) 199-206, attached as Exhibit D.
5. Dr. MacLean Wave 1 Supplemental Report attached as Exhibit E.

**WHEREFORE**, Plaintiffs respectfully request that the Court grant their *Daubert* Motion.

Dated: September 19, 2016

Respectfully submitted,

s/ Edward A. Wallace  
Edward A. Wallace

Mark R. Miller  
Michael H. Bowman  
Wexler Wallace LLP  
55 W Monroe Street, Suite 3300  
Chicago, Illinois 60603  
(312) 346-2222  
(312) 346-0022  
eaw@wexlerwallace.com  
mrm@wexlerwallace.com  
mhb@wexlerwallace.com

Bryan F. Aylstock, Esq.  
Renee Baggett, Esq.  
Aylstock, Witkin, Kreis and Overholtz, PLC  
17 East Main Street, Suite 200  
Pensacola, Florida 32563  
(850) 202-1010  
(850) 916-7449 (fax)  
[rbaggett@awkolaw.com](mailto:rbaggett@awkolaw.com)

Thomas P. Cartmell  
Wagstaff & Cartmell LLP  
4740 Grand Avenue, Suite 300  
Kansas City, MO 64112  
(816) 701-1102  
(816) 531-2372 (fax)  
[tcartmell@wcllp.com](mailto:tcartmell@wcllp.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on September 19, 2016, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Edward A. Wallace